

REMARKS

Overview

The Examiner responded in the prior Office Action as follows: rejected claims 1-4, 6-15, 19-22, 24-30, 32-35, 37-46, 49-50 and 53-55 under 35 U.S.C. 102(e) as being anticipated by Bejar et al. (U.S. Pat. No. 6,295,439); rejected claims 5, 23 and 36 under 35 U.S.C. 103(a) as being unpatentable over Bejar in view of Burstein et al. (U.S. Patent No. 6,181,909); rejected claims 17-18, 31 and 51-52 under 35 U.S.C. 103(a) as being unpatentable over Bejar in view of Paizis (U.S. Patent No. 6,338,042); rejected claims 47-48 under 35 U.S.C. 103(a) as being unpatentable over Bejar in view of Christensen et al. (U.S. Patent No. 5,881,230); and rejected claim 16 under 35 U.S.C. 112 first paragraph as failing to comply with the written description requirement.

Applicants hereby amend claims 1, 16, 19, 32 and 51-52 in order to clarify the subject matter of their invention, and further hereby add new claims 56-61. Thus, claims 1-61 are pending.

Discussion

The Examiner has rejected each of the previously pending claims 1-55 as being unpatentable over Bejar, either alone or in combination with Burstein, Paizis or Christensen.

However, various of the previously pending claims include features and provide functionality not disclosed by Bejar or the other references on which those claims are rejected, and thus are allowable over those references. For example, previously pending claims 51 and 52 each recited the use of payments associated with performance of subtasks, and in particular recited "providing information to the first human of a payment associated with performance of the first subtask if the first human chooses to perform the first subtask" in claim 51 and "providing to the first human a payment associated with the first subtask" in claim 52. Claims 51 and 52 both depend from independent method claim 1, which is generally related to a computing system that

distributes sub-tasks to humans for performance so that the humans may assist the computing system in performance of a higher-level task, such as to distribute sub-tasks at which humans are particularly adept (e.g., comparison of images) among numerous remote humans that are available to assist in the task performance, and further to select among available humans so as to identify and use those who have specific capabilities or qualities that are appropriate for a sub-task to be performed.

The Examiner has rejected each of the claims 51 and 52 as being unpatentable over Bejar in view of Paizis. In particular, the Examiner has acknowledged that Bejar lacks teaching or suggestion of the claim elements recited in these claims (the Examiner notes that "Bejar et al. do not disclose providing information to the first human of a payment associated with performance of the first subtask if the human chooses to perform the subtask" and that "Bejar et al. do not disclose providing to the first human a payment associated with the first subtask", page 12 of the Examiner's Action dated October 4, 2005), but asserts that lines 41-54 of column 7 and steps 360 and 364 of Figure 4 [*sic*, Figure 3B] of Paizis disclose payments associated with performance of subtasks. While Applicants agree that Bejar lacks any teaching or suggestion of using payments associated with performance of subtasks, Paizis also appears to lack any teaching, suggestion or motivation of having payments associated with any particular tasks to be performed, let alone with subtasks distributed to humans as part of an automated task performance system as recited in claims 1, 51 and 52. In particular, the portions of Paizis cited by the Examiner are shown below, and Applicants can find no mention of tasks or subtasks in these passages, or more generally in Paizis as a whole.

Once suggested pay targets are computed, the suggested pay targets are displayed in step 360. Displaying the suggested pay targets allows a user to study the suggested pay targets, and to make a determination of whether the suggested pay targets are acceptable. In step 364, payment decisions are obtained from a user. Payment decisions may be based upon percentages of pay increase, as well as other factors which may include, but are not limited to, the time period over which a pay increase is to occur and the available budget. Obtaining payment decisions may involve receiving an indication from the user that the suggested pay targets are acceptable. Alternatively, obtaining the payment decisions may involve processing, or otherwise incorporating, changes to suggested pay targets.

After payment decisions are obtained, the process of executing a payment program is completed. Paizis, lines 41-56, column 7.

Instead, Paizis is merely related to generally determining salaries for employees, and appears to lack any suggestion of payments associated with particular tasks or subtasks. Moreover, the paragraph immediately preceding the one cited by the Examiner makes clear that the discussed "pay targets" pointed to by the Examiner reflect periodic salary increases or decreases, such as to reflect a given budget, rather than any form of per-task payment, and in particular recites the following.

Suggested pay targets are, in the described embodiment, pay levels that encompass pay increases, or decreases, to be attained by a given date. In other words, suggested pay targets generally reflect a schedule of anticipated pay increases, or decreases. An evaluation of target market pay generally includes a comparison of target market pay against the budget that is available to allocate pay increases. Paizis, lines 30-37, column 7, emphasis added.

Paizis further emphasizes that when "contributions" of employees are considered in their salary determinations, the "contribution scores . . . reflect the overall perceived levels of contribution of individuals in a position and are generated from a performance evaluation," and that examples of levels of contribution include "contributions to leadership" and "contributions to overall business results or goals." (Paizis, lines 60-63 of column 5 and portions of lines 46-54 of column 4.)

Accordingly, since the references cited by the Examiner lack any teaching, suggestion or motivation of the use of payments for performance of particular subtasks as recited in previously pending dependent claims 51 and 52, those claims are allowable over those cited references. Moreover, independent claims 1, 19 and 32 as amended each recites similar use of payments with particular subtasks, and thus are similarly allowable over those cited references for at least the same reasons as previously pending dependent claims 51 and 52. For example, independent claim 1 as amended recites "dispatching the first subtask to a remote second computer system of a first human for performance by the first human, . . . the dispatching including providing an indication to the first human of a first level of compensation associated with performance of the first subtask" and "providing payment to the first human for the

performance of the first subtask, the provided payment being based on the first compensation level." Independent claims 19 and 32 recite similar language. Thus, independent claims 1, 19 and 32 are believed to be allowable over those cited references for at least these reasons, as are the claims that depend from those claims. In addition, new dependent claims 56-61 and dependent claims 51 and 52 as amended further recite various additional aspects related to the use of payments, and are each believed to further be allowable for at least those reasons as well.

Furthermore, various of the pending dependent claims continue to recite additional features and are believed to be further allowable for those reasons as well. For example, dependent claims 17 and 18 each generally recite that a specific task is associated with a maximum cost-related attribute, such as for use in determining compensation to be paid to humans for performing portions of the task. These maximum cost attributes are useful, for example, because they enable the system to make decisions based upon the required compensation level available for the performance of a task. While the Examiner has asserted that Paizis recites the use of such task-specific attributes, the Examiner instead points to disclosure that is unrelated to the performance of specific tasks (e.g., to an overall budget for use in paying employees of an organization), and thus Paizis appears to lack any teaching, suggestion or motivation of costs associated with specific task as attributes in the manner claimed. Thus, claims 17 and 18 as previously and currently pending are further allowable over those cited references for at least this reason as well. Various other of the previously pending dependent claims similarly recite additional features lacking in the cited references, but are not enumerated here for the sake of brevity.


The Examiner has also rejected previously pending claim 16 as being unpatentable under 35 U.S.C. 112 first paragraph as failing to comply with the written description requirement. While Applicants believe that the application as filed clearly provides support for previously pending claim 16, this rejection is believed to be moot in light of the amendments to claim 16.

Conclusion

In light of the above remarks, Applicants respectfully submit that all of the pending claims are allowable. Applicants therefore respectfully request the Examiner to reconsider this application and timely allow all pending claims. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 694-4815.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,
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